



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,795	12/11/2003	Karen C. Roles	5681-76400	8971
58467 MHKKG/SUN P.O. BOX 398 AUSTIN, TX 78767	7590 05/29/2008			
EXAMINER				
INGBERG, TODD D				
ART UNIT		PAPER NUMBER		
2193				
MAIL DATE		DELIVERY MODE		
05/29/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/733,795

Applicant(s)

ROLES ET AL.

Examiner

Todd Ingberg

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/13/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-893)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claims 1 – 35 have been examined.

Drawings

1. The new drawings filed July 10, 2007 have been accepted.

Specification

2. All objections to the Specification have been overcome.

Claim Rejections - 35 USC § 101

3. The rejection under 35 U.S.C. 101 has been overcome.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 – 10, 12 – 17 and 19 – 30 are rejected under 35 U.S.C. 102(b) as being anticipated by OS/2 as documented by OS/2 Client/Server Toolkit”, by Angelo R. Bobak, 1995.

NOTE: OS/2 by IBM was an Object-Oriented implementation.

Claim 1

OS/2 teaches a management system for generation of a management object model including a structured hierarchy of objects representing components of a computer system for performing management of the computer system (OS/2, page 562, Figure 19.1), the management system comprising:

Art Unit: 2193

a processor; and a memory coupled to the processor, wherein the memory comprises program instructions configured to implement (It is inherent to have a processor, memory and instructions to run an operating system); component modules operable to define mappings from instrumentation of the components to objects representing those components (OS/2, page 610, Figure 22.1 – the monitor captures instrumentation data of the class components), and configuration modules operable to configure associations between the component modules for the generation of the management object model (OS/2, page 562, Figure 19.1 and pages 610 - 619). OS/2 teaches the defining of system objects and being able to generate a management object model (as per above). OS/2 teach the program instructions configured to implement (OS/2, page 611, section 22.2.1).

Claim 2

The management system of Claim 1, wherein component modules are operable to define mappings at respective different levels of abstraction. OS/2, page 562, Figure 19.1

Claim 3

The management system of Claim 2, wherein a said component module is operable to define a mapping for a single component property at a first level of abstraction. OS/2, page 562-263, define variable.

Claim 4

The management system of Claim 2, wherein a said component module is operable to define a mapping for a set of component properties forming an object at a second level of abstraction. OS/2, Interaction of 2 components with messaging (inherent form of an API in Object technology), page 562, figure 19.1.

Claim 5

The management system of Claim 2, wherein a said component module is operable to define a mapping for an assembly of associated objects at a third level of abstraction. OS/2, page 562, Figure 19.1, context of the system depicted.

Claim 6

The management system of Claim 1, wherein a said component module for a component defines a behavior of the object representing the component. Object by definition – Objects are made of attributes and the methods to perform operations on those attributes. methods are the behavior.

Claim 7

The management system of Claim 1, wherein a said configuration module is operable to configure a said component module dynamically at run time for a said component that is subject to dynamic changes in status and is further operable to monitor said component for a change in status. OS/2, pages 609, 611-615, configuration parameter tool, bottom of page 612.

Claim 8

Art Unit: 2193

The management system of Claim 1, wherein a said configuration module is operable to configure a said component module statically at run time for a said component having static properties for a given invocation of the computer system. OS/2, page 609 and page 592, fixed properties such as the size of a message as defined to be 256 characters

Claim 9

The management system of Claim 1, wherein a said configuration module is operable to configure a said component module fixedly at run time for a said component having fixed properties for any invocation of the computer system. See the rejection for claim 8.

Claim 10

The management system of Claim 1, comprising a library of component modules. (OS/2, page 562, Figure 19.1, software modules associated with model).

Claim 12

The management system of Claim 1, wherein a said component module for a component identifies an instrumentation module defining a source of instrumentation for the component. OS/2, page 603, transRecords.

Claim 13

The management system of Claim 12, wherein the instrumentation module exports an object-based representation of the instrumentation data via an instrumentation interface. OS/2, page 627, Figure 22.2

Claim 14

The management system of Claim 13, wherein the instrumentation module comprises a general part and a specific part, the general part being operable to communicate with the specific part via a private interface to obtain instrumentation data, and the specific part being configured to interface with instrumentation for the component to obtain said instrumentation data. OS/2, pages 618-619, general instrumentation of for administrator (page 619).

Claim 15

The management system of Claim 14, wherein the general part and the specific part are local to each other. OS/2, page 612, Config Params, options Local or Remote.

Claim 16

The management system of Claim 14, wherein the specific part is remote from the general part, the general part being operable to communicate with the remote part via a remote access mechanism. See the rejection for claim 15.

Claim 17

The management system of Claim 12, comprising a library of instrumentation modules. (OS/2, page 610, Figure 22.1 – modules associated with software modeled.

Art Unit: 2193

Claim 19

The management system of Claim 1, wherein the management system forms a management agent for remote management of a computer system. As per the rejection for claim 15 and pages 603 – 604.

Claim 20

A computer system comprising a management system for generation of a management object model including a structured hierarchy of objects representing components of a computer system for performing management of the computer system, the management system comprising component modules operable to define mappings from instrumentation of the components to objects representing those components, and configuration modules operable to configure associations between the component modules for the generation of the management object model. See the rejection for claim 1.

Claim 21

A method for generating a management object model including a structured hierarchy of objects representing components of a computer system for performing management of the computer system, the method comprising component modules defining mappings from instrumentation of the components to objects representing those components, and configuration modules configuring associations between the component modules for the generation of the management object model. See the rejection for claim 1.

Claim 22

The method of Claim 21, comprising component modules defining mappings at respective different levels of abstraction. See the rejection for claim 2.

Claim 23

The method of Claim 22, comprising a said component module defining a mapping for a single component property at a first level of abstraction. See the rejection for claim 3.

Claim 24

The method of Claim 22, comprising a said component module defining a mapping for a set of component properties forming an object at a second level of abstraction. See the rejection for claim 4.

Claim 25

The method of Claim 22, comprising a said component module defining a mapping for an assembly of associated objects at a third level of abstraction. See the rejection for claim 5.

Claim 26

The method of Claim 21, comprising a said component module for a component defining a behavior of the object representing the component. See the rejection for claim 6.

Claim 27

Art Unit: 2193

The method of Claim 21, comprising a said configuration module configuring a said component module dynamically at run time for a said component that is subject to dynamic changes in status and monitoring said component for a change in status. See the rejection for claim 7.

Claim 28

The method of Claim 21, comprising a said configuration module configuring a said component module statically at run time for a said component having static properties for a given invocation of the computer system. See the rejection for claim 8.

Claim 29

The method of Claim 21, comprising a said configuration module configuring a said component module fixedly at run time for a said component having fixed properties for any invocation of the computer system. See the rejection for claim 9.

Claim 30

The method of Claim 21, wherein a said component module for a component identifies an instrumentation module defining a source of instrumentation for the component. See the rejection for claim 12.

Claim 35

A carrier medium carrying computer program code operable to implement a method for generating of a management object model including a structured hierarchy of objects representing components of a computer system for performing management of the computer system, the method comprising component modules defining mappings from instrumentation of the components to objects representing those components, and configuration modules configuring associations between the component modules for the generation of the management object model. See the rejection for claim 1.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11, 18, 31, 32, 33 and 34 are rejected under 35 U.S.C. 103(a) as being

unpatentable over OS/2 Client/Server Toolkit, by Angelo R. Bobak, 1995 in view of USPN#

6,405,366 B1 Lorenz issued June 11, 2002

Rejection for Claims 11, 18, 31, 32, 33 and 34

OS/2 teaches an object oriented system where objects manage a system and configure, instrument and communicate (see rejection for claim 1). OS/2 teaches the use of APIs in the form of messaging (inherent in OO) and pipes, but does not disclose in 1995 the use of plug-ins. It is Lorenz who teaches the use of plug-ins. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify OS/2 to implement plug-ins, because plug-ins provide communicate "... with software tool and operable to access data stored in a device type being a predetermined format." (Lorenz, col 2, lines 5-10). OS/2 teaches the program instructions configured to implement (OS/2, page 611, section 22.2.1). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine OS/2 and Lorenz, because implementing remote monitoring, allows for more serviceable systems.

Claim 11

The management system of Claim 1, wherein a said component module comprises a plug-in module. (Lorenz, col 2, lines 5-10).

Claim 18

The management system of Claim 12, wherein a said instrumentation module comprises a plug-in module. (Lorenz, col 2, lines 5-10).

Claim 31

The method of Claim 30, comprising the instrumentation module exporting an object-based representation of the instrumentation data via an instrumentation interface. See the rejection for claim 18.

Claim 32

The method of Claim 31, comprising a general part of the instrumentation module communicating with a specific part of the instrumentation module via a private interface to obtain instrumentation data, and the specific part interfacing with instrumentation for the component to obtain said instrumentation data. See the rejection for claim 14.

Claim 33

The method of Claim 32, wherein the general part and the specific part are local to each other. See the rejection for claim 15.

Claim 34

The method of Claim 32, wherein the specific part is remote from the general part, the general part being operable to communicate with the remote part via a remote access mechanism. See the rejection for claim 16.

Response to Arguments

Applicant's Arguments begin on page 5. In this section the Applicant does not seem to acknowledge that OS/2 is an Object Oriented Operating System. With this understanding, the following mapping of claim 1, should illustrate how OS/2 meets many of the argued limitations. And the Applicant is pointing away and not indicating limitations that distinguish the claimed invention. In the absence of limitations that clearly and concisely claim the present limitations, the Applicant is encouraged to review the rejection at a high level. After reviewing the arguments the rejection for the independent claims is best as anticipated by the OS/2 operating system.

Claim 1

A. A management system for generation of a management object model including a structured hierarchy of objects representing components of a computer system

(OS/2, page 562, Figure 19.1 – In looking at Figure 19.1 the notation itself is called Booch notation. Grady Booch is one of the pioneers of object technology. This object model showing the architecture of the Monitor of OS/2 is a structured hierarchy when running the classes are instantiated forming a hierarchy of objects that represent the components of a computer. For Example, look at the configuration agent. That would include devices)

B. for performing management of the computer system (OS/2 being an operating system – by definition it manages a computer system),

C. the management system comprising:

a processor; and

a memory coupled to the processor,

wherein the memory comprises program instructions configured to implement:

(It is inherent to have a processor, memory and instructions to run an operating system. You can not run an operating system with out these limitations);

D. component modules operable to define mappings from instrumentation of the components to objects representing those components (OS/2 supports the components with it's object oriented implementation the rejection of OS/2, page 610, Figure 22.1 – the monitor captures instrumentation data of the class components- in the broadest interpretation as claimed look at the event logger which captures information about the operating systems basis management of the resources (objects).

E. , and configuration modules operable to configure associations between the component modules implement (OS/2, page 611, section 22.2.1 – the configuration parameter tool loads configuration parameters of the operating system)

F. for the generation of the management object model (OS/2, page 562, Figure 19.1 and pages 610 – 619 – In other words every change to the configuration such as adding hardware etc changes the object model).

This narrative is intended to advance the prosecution of the case. The fact that

functionality of executing a transaction is not the key concept. the fact that an operating system

by definition manages a computer system and when it is implemented in an object oriented methodology the object model is the system structure and all the components.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on (571) 272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Todd Ingberg/
Primary Examiner